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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,107	07/20/2001	Jefferson M. Kommers	VIGN1270	5626

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EXAMINER
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AL HASHEMI, SANA A

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/682,107

Applicant(s)

KOMMERS ET AL.

Examiner

Sana Al-Hashemi

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-17 and 19-24 is/are rejected.
- 7) ☒ Claim(s) 6, 18, 25, and 26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

1. This action is issued in response to applicant's amendment filed 5/16/05.
2. 1- 5, 7- 17, and 19-24 are rejected and Claims 6, 18, 25, and 26 are objected to be allowable.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-5, 7-17, and 19-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, "at least in part on an association score based on the position of keywords " had possession of the claimed invention.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 1- 5, 7- 17, and 19-24, are rejected under 35 U.S.C. as being anticipated by DiDomizio (US Patent No. 6,523,028).

Regarding Claims 1, 7, 13, and 19, DiDomizio discloses a method of searching for a plurality of information objects comprising:

Receiving a first query, (Col. 6, lines 48-50, DiDomizio);

Automatically expanding a scope of a search from the first query to a second query based at least in part on an association score based on the position of keywords in a hierarchy of keywords associated with the plurality information objects (Col.6, 7, lines 58-66, and lines 5-23, respectively, DiDomizio<sup>1</sup>);

searching the database using the second query (Col. 7, lines 9-14, DiDomizio<sup>2</sup>);

finding a first identifier for a first: information object that corresponds to the second query, wherein the first information object is part of the plurality of information objects (Fig. 4, Col. 8, lines 26-37, DiDomizio);

Regarding Claims 2, and 14, DiDomizio discloses a method wherein:

the database comprises a plurality of information objects including the first information object and a plurality of keywords and the hierarchy of keyword, wherein the plurality of keywords include a first keyword and a second keyword (Col. 9, lines 2-6, DiDomizio);

each information object within the plurality of information objects has at least one related keyword from the plurality of keywords (Col. 9, lines 8-18, DiDomizio);

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<sup>1</sup> As disclosed in Col. 6, lines 49-50, the system will expand the search which corresponds to “automatically expand

<sup>2</sup> Examiner interprets the initial query corresponds to the first query.

the hierarchy defines a relationship among the keywords lying at a different levels within the hierarchy (Fig. 4, DiDomizio);

the first query comprises the first keyword but not the second keyword (see Col. 5, lines 49-52, DiDomizio); and

the second keyword query comprises the first and second keyword (Col. 5, lines 52-60, DiDomizio).

Regarding Claims 3, 15, and 22, DiDomizio discloses a method further comprising:

automatically determining a first association score between the first keyword and the second keyword based at least in part upon their positions within the hierarchy (Col. 7, lines 54-67, DiDomizio).

Regarding Claims 4, and 16, DiDomizio discloses a method further comprising automatically determining a second association score between the first keyword and the third keyword based upon their positions within the hierarchy, wherein expanding the first query is performed such that the second query does not include the third keyword (Col. 8, lines 1-12, DiDomizio).

Regarding Claims 5, and 17, DiDomizio discloses a method further comprising filtering at least some of the information objects within the plurality of information objects to meet a defined criterion (Col. 8, lines 15-24, DiDomizio).

Regarding Claims 8, and 20, DiDomizio discloses a method further comprising:

searching a database using the second query, wherein an information object is associated with the second keyword but is not associated with the first keyword (Col. 9, 10 lines 58-67, and 1, respectively, DiDomizio);

and sending a second signal that includes an object identifier for the information object (Col. 10, lines 10-19, DiDomizio).

Regarding Claims 9, 11, and 23, DiDomizio discloses a method wherein:

the first keyword, the second keyword, and a third keyword are represented by a first node, a second node, and a third node, respectively, within the keyword hierarchy (Fig. 4, DiDomizio);

the method further comprises determining a first association score between the first node and the second node and a second association score between the first node and the third node, wherein the first and second association scores indicate that the first node is more closely associated with the second node than the third node (Col. 7, lines 53-63, DiDomizio<sup>3</sup>);

and expanding is performed such that the second query does not include the third keyword (Col. 8, lines 42-51, DiDomizio).

Regarding Claim 10, DiDomizio discloses a method automatically determining an association score between the first keyword and the second keyword based at least in part upon their positions within the keyword hierarchy, wherein one keyword lies at a parent node and another keyword lies at a child node within the keyword hierarchy (Col. 9, lines 15-34, DiDomizio).

Regarding Claims 12, and 24, DiDomizio discloses a method wherein automatically determining the association score includes determining a first common ancestor wherein one keyword lies at a parent node and another keyword lies at a child node within the keyword hierarchy (Col. 10, lines 55-62, DiDomizio).

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<sup>3</sup> Examiner interprets the step of ranking corresponds to the scoring.

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Regarding Claim 21, DiDomizio disclose a data processing system readable medium wherein:

the first keyword, the second keyword, and a third keyword are represented by a first node, a second node, and a third node, respectively, within the keyword hierarchy (see Fig. 4, DiDomizio);

the method further comprises determining a first association score between the first node and the second node and a second association score between the first node and the third node (Col. 10, lines 55-62, DiDomizio);

wherein the first and second association scores indicate that the first node is more closely associated with the second node than the third node (Col. 7, lines 47-52, DiDomizio); and

expanding is performed such that the second query does not include the third keyword (Col. 7, lines 52-63, DiDomizio).

#### ***Allowable Subject Matter***

6. Claims 6, 18, 25, and 26, objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: the method of calculating a first relevance score for the first information object, wherein, at least one first relevancy rating is obtained for the first information object, the first relevance score includes a first sum divided by a number of keywords within the second query, the first sum includes a first summation of first products and for each keyword within the second query, its first product

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includes a corresponding first association score and a corresponding first relevance rating , in conjunction with remaining claim provisions is not taught or suggested, or obvious over the prior art of record or that encountered in searching the invention.

***Response to Amendment***

Applicant's arguments filed 5/16/05 have been fully considered but they are not persuasive.

Applicant argues the prior art fails to disclose the amended claims “automatically expanding a scope of a search from the first query to a second query based on an association score based at least in part on the position of keywords in a hierarchy of keywords.”

Examiner disagrees. The argued amended claims were not described in the specification and are rejected under 112 first paragraph as a new matter.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,



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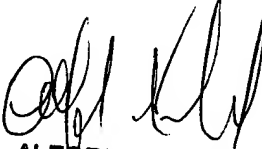
however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Points of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to: Sana Al-Hashemi whose telephone number is (571) 272-4013. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (571) 272-4023. Any response to this office action should be mailed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231. Or telefax at phone number (703) 872-9306. For formal or draft communications, please label "PROPOSED" or "DRAFT". Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6<sup>th</sup> Floor Receptionist, Arlington, Virginia. 22202.

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Sana Al-Hashemi  
Patent Examiner  
Technology Center 2100  
June 23, 2005

  
ALFORD KINDRED  
PRIMARY EXAMINER